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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/728,192
Filing Date: December 04, 2003
Appellant(s): BUER ET AL.

Lori A. Gordon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/20/10 appealing from the Office action mailed 10/14/09.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
1-7, 9, 13-33, and 35-40.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

"WITHDRAWN REJECTIONS":

Claims 1 – 4, 13 – 17, 19 – 29, 31 – 33 and 35 – 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 1 – 4, 13 – 17, 19 – 29, 31 – 33 and 35 – 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

20030126233	Bryers	7-2003
7130303	Hadzic	10-2006
20030018908	Mercer	1-2003

Stevens, Richard, TCIP/IP Illustrated, Vol. 1, 1994, Addison Wesley, pg. 21-23.

Definition of "Ethertype", Newton's Telecom Dictionary, 2004, CMP Books, pg. 311.

Definition of "User", IEEE 100 The Authoritative Dictionary of IEEE Standards Terms, 7th ed., 2000, IEEE Press, pg. 1241.

"Ethernet Type Codes", www.cavebear.com, 4/11/1998, <http://www.cavebear.com/archive/cavebear/Ethernet/type.html>, accessed 12/4/2010, pg. 1-3.

"IEEE-SA – Registration Authority EtherType Field", standards.ieee.org, 2010, <http://standards.ieee.org/develop/regauth/ethertype/index.html>, accessed 12/4/2010, pg. 1 – 32.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification fails to provide proper antecedent basis for the recitations of "a **user-specific type**" [e.g. claim 5]; "a **user-specific Ethernet type**" [e.g. claim 9, 18]; "a **user-specified Ethernet type**" [e.g. claim 30].

The examiner respectfully notes that the appellant's originally filed specification only discloses the well known prior art term, "Ethernet Type field" (e.g. see specification, pg. 5, line 5; pg. 12, line 12, 30, 31; pg. 29, lines 11-13).

One of ordinary skill in the art readily understands the meaning of the prior art term "Ethernet Type field". The Ethernet Type field within an Ethernet packet, also called the "Ethertype" field, is the prior art mechanism used by Ethernet systems to identify the particular protocol necessary to process an Ethernet packet. As, there can be a large number of possible processing protocols, the IEEE organization acts as the authority to manage and assign a unique two byte hexadecimal number for representing each possible protocol. Thus, protocol designers, such as standards organizations or equipment manufacturers can design processing protocols and register the protocol with the IEEE. Thereafter, the registered protocol will be assigned a unique Ethernet type value, which can be used by Ethernet systems for determining the specific protocol necessary for processing any received Ethernet packet comprising the Ethernet type

field (for evidentiary definitions, see: "Ethernet Type Codes", www.cavebear.com, pgs. 1-3; "IEEE-SA – Registration Authority Ethernertype Field", standards.ieee.org, pgs.1-32; definition of "Ethernertype", Newton's Telecom Dictionary, pg. 311).

Appellant argues that the disclosure of the well known Ethernet Type field, provides support for the recitations of "a **user-specific type**", "a **user-specific Ethernet type**", and "a **user-specified Ethernet type**" (e.g. see Brief, pg. 8).

The examiner respectfully disagrees with this assertion upon the basis that such terms are notably absent within the appellant's originally filed specification and the appellant's specification fails to lead one of ordinary skill in the art to clearly and reasonably determine the scope and meaning of the claim terms "a **user-specific type**", "a **user-specific Ethernet type**", and "a **user-specified Ethernet type**".

The appellant is respectfully reminded that the claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

In this regard, the examiner respectfully notes that the appellant's disclosure provides ample support for the terms "Ethernet type field" and for "manufacturer". The meanings of these terms are well understood by one of ordinary skill in the art. However, there appears to be no reasonable basis for one of ordinary skill in the art to interpret the standard Ethernet type field as any of "a **user-specific type**", "a **user-specific Ethernet type**", or "a **user-specified Ethernet type**". Furthermore, one of

ordinary skill in the art does not regard a company or equipment manufacturer (e.g. "Broadcom", see also Appellant's Remarks, Brief, pg. 8), to be a "user". The meaning of the term "user" is well defined in the prior art and is understood by one of ordinary skill to be a person who uses the services of or interacts with a product or system (e.g. for evidentiary definition, see definition of "user", IEEE 100, The Authoritative Dictionary of IEEE Standards Terms, pg. 1241. While a company or equipment manufacturer may manufacture an individual machine component or design a particular protocol component that is found to be used within an overall computing system, one of ordinary skill in the art does not regard the company or equipment manufacturer to be the "user" of the computing system.

Thus, the examiner disagrees with the appellant's suggestion that the prior art "Ethernet Type field" - which comprises a two byte hexadecimal value uniquely assigned by the IEEE standards authority and representing a particular processing protocol - would have been understood by one of ordinary skill in the art to be "a **user-specific type**", "a **user-specific Ethernet type**", or "a **user-specified Ethernet type**" upon the mere basis that the protocol identified by the Ethernet type field was designed and registered by a company or equipment manufacturer.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5 – 7, 9, 18, and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Appellant has not clearly pointed out where the new (or amended) claim is supported, nor does there appear to be a written description of the claim limitations in the application as filed

For example, appellant claims that the terms “a **user-specific type**”, “a **user-specific Ethernet type**”, or “a **user-specified Ethernet type**” are supported by the specification, paragraph 60. However, the examiner notes that the appellant's citation of the alleged support merely refers to the prior art Ethernet type field. The examiner reminds the appellant that the claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. **(further, see above objection to the specification).**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the appellant regards as his invention.

Claims 5 – 7, 9, 18, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention.

Regarding claims 5 – 7, 9, 18, and 30, they are rejected as being indefinite. The claim recitations of **"a user-specific type"**, **"a user-specific Ethernet type"**, or **"a user-specified Ethernet type"** lack a defined and customary meaning to those of ordinary skill in the art and the appellant fails to define the terms **"a user-specific type"**, **"a user-specific Ethernet type"**, or **"a user-specified Ethernet type"**, thereby rendering the scope of these claims indeterminate. For the purpose of examination the examiner presumes the appellant to refer to an Ethernet type field as is admitted by the appellant to be the subject matter in question (e.g. see Brief, pg. 8 - "Ethernet type field" [62]).

The examiner respectfully notes that the appellant's originally filed specification only discloses the well known prior art term, "Ethernet Type field" (e.g. see specification, pg. 5, line 5; pg. 12, line 12, 30, 31; pg. 29, lines 11-13).

One of ordinary skill in the art readily understands the meaning of the prior art term "Ethernet Type field". The Ethernet Type field within an Ethernet packet, also called the "Ether type" field, is the prior art mechanism used by Ethernet systems to identify the particular protocol necessary to process an Ethernet packet. As, there can be a large number of possible processing protocols, the IEEE organization acts as the authority to manage and assign a unique two byte hexadecimal number for representing each possible protocol. Thus, protocol designers, such as standards organizations or equipment manufacturers can design processing protocols and register the protocol

with the IEEE. Thereafter, the registered protocol will be assigned a unique Ethernet type value, which can be used by Ethernet systems for determining the specific protocol necessary for processing any received Ethernet packet comprising the Ethernet type field (for evidentiary definitions, see: "Ethernet Type Codes", www.cavebear.com, pgs. 1-3; "IEEE-SA – Registration Authority Ethertype Field", standards.ieee.org, pgs.1-32; definition of "Ethertype", Newton's Telecom Dictionary, pg. 311).

Appellant argues that the disclosure of the well known Ethernet Type field, provides support for the recitations of **"a user-specific type"**, **"a user-specific Ethernet type"**, and **"a user-specified Ethernet type"** (e.g. see Brief, pg. 8).

The examiner respectfully disagrees with this assertion upon the basis that such terms are notably absent within the appellant's originally filed specification and the appellant's specification fails to lead one of ordinary skill in the art to clearly and reasonably determine the scope and meaning of the claim terms **"a user-specific type"**, **"a user-specific Ethernet type"**, and **"a user-specified Ethernet type"**.

Appellant's disclosure provides ample support for the terms "Ethernet type field" and for "manufacturer". The meanings of these terms are well understood by one of ordinary skill in the art. However, there appears to be no reasonable basis for one of ordinary skill in the art to interpret the standard Ethernet type field as any of **"a user-specific type"**, **"a user-specific Ethernet type"**, or **"a user-specified Ethernet type"**. Furthermore, one of ordinary skill in the art does not regard a company or equipment manufacturer (e.g. "Broadcom", see also Appellant's Remarks, Brief, pg. 8), to be a **"user"**. The meaning of the term "user" is well defined in the prior art and is understood

by one of ordinary skill to be a person who uses the services of or interacts with a product or system (e.g. for evidentiary definition, see definition of "user", IEEE 100, The Authoritative Dictionary of IEEE Standards Terms, pg. 1241. While a company or equipment manufacturer may manufacture an individual machine component or design a particular protocol component that is found to be used within an overall computing system, one of ordinary skill in the art does not regard the company or equipment manufacturer to be the "user" of the computing system.

Thus, the examiner disagrees with the appellant's suggestion that the prior art "Ethernet Type field" - which comprises a two byte hexadecimal value uniquely assigned by the IEEE standards authority and representing a particular processing protocol - would have been understood by one of ordinary skill in the art to be "a **user-specific type**", "a **user-specific Ethernet type**", or "a **user-specified Ethernet type**" upon the mere basis that the protocol identified by the Ethernet type field was designed and registered by a company or equipment manufacturer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryers et al. (Bryers), U.S. Patent Publication 2003/0126233 in view of Hadzic, “Ethernet Packet Encapsulation for Metropolitan Area Ethernet Networks”, U.S. Patent, 7,130,303 in view of Mercer et al. (Mercer), “Method for Establishing a Security Association Between Two or More Computers Communicating Via an Interconnected Computer Network”, U.S. Patent Publication 2003/0018908.

Regarding claim 1, it is noted that Bryers discloses
receiving in a security processor a first Ethernet packet from an originating device (fig. 10, 11, 15a, 16; par. 77, 114 – Herein, Bryers discloses a processing unit, such as a router, that performs security processing upon received Ethernet packets;

Bryers discloses a security processor for processing Ethernet packets delivered over a large distributed system (par. 7; fig. 36; par. 488). Bryers, however, does not appear to explicitly recite that one Ethernet packet may comprise another Ethernet packet. Hadzic discloses the practice of generating an Ethernet packet comprising another Ethernet packet for delivery over large distributed systems (Hadzic, fig. 1, 9; 1:44-53). It would have been obvious to one of ordinary skill in the art to employ the teachings of Hadzic with the system of Bryers. This would have been obvious because one of ordinary skill in the art would have been motivated by the prior teachings that such a practice improves the efficiency and security of a network (Hadzic, 1:18-44).

The combination enables:

the first Ethernet packet comprising a second Ethernet packet...wherein a destination address of the second Ethernet packet is an address of the originating device (Hadzic, fig. 1, 9; 1:44-53). Herein, combination discloses encapsulated Ethernet packets, of an outer Ethernet packet encapsulating an original inner Ethernet packet (e.g. Hadzic, fig. 9 – also compare to appellant's claimed invention, fig. 3). The prior art discloses that the inner or "second Ethernet" packet comprises an inner source address, SA (i.e. an address of the originating device). Thus, to an end receiving device of the encapsulated packet, the address of the originating device (i.e. inner source address, SA) is considered as "*a destination address*" (i.e. destination address, DA) that can be used to send a response back to the sender (i.e. *a destination address of the second Ethernet packet is an address of the originating device*). The appellant makes this interpretation clear within the appellant's disclosure:

"A protocol also may define procedures for routing the packet over the network using those addresses. For example, the components in a data network may use the destination address to determine where to send the packet. The recipient application may use the source address to determine which application sent the packet." (Specification, pg. 2, lines 2 - 8).

"The inner Ethernet header is a header that may be used to return the packet to the original sender. Thus, the DA in the inner Ethernet header may be the address of an Ethernet

controller that sent a configuration packet or data packet to the security processor. This format provides a relatively easy mechanism for supporting multiple devices with a single security processor." (Specification, pg. 13, line 31 - pg. 14, line 3)

The combination enables processing encapsulated Ethernet packets according to security associations (Bryers, fig. 10), however, the combination does not appear to explicitly disclose that a packet comprises *a memory address associated with a security association, extracting the memory address, retrieving the security association from a memory using the received memory address.*

Mercer discloses that for the purpose of handling the requirements of high speed networks (Mercer, par. 11), packets should comprise a memory address associated with a security association (Mercer, par. 13). Furthermore, processing such packets includes extracting the memory address and retrieving a corresponding security association from memory (Mercer, fig. 7).

It would have been obvious to employ the improved packet handling and processing techniques of Mercer within the combination. This would have been obvious because one of ordinary skill in the art would have been motivated by the teachings of prior that show such techniques improve security processing (Mercer, par. 11).

The combination enables:

and encrypting at least a portion of the extracted second Ethernet packet according to the retrieved security association (Bryers, fig. par. 193, 194, 198).

Regarding claim 37, it is rejected, at least, for the same reasons as claim 1, and furthermore because the combination enables a processing device for operating according to the Ethernet and IPSEC protocols and comprising *at least one data memory for storing at least one security association; at least one Gigabit MAC for receiving at least one second Ethernet packet* (Bryers, par. 199, fig. 4).

Regarding claims 2 – 4, 16 the combination *enables an outer Ethernet header and a manufacturer header and wherein the manufacturer header comprises the memory address and wherein the outer Ethernet header comprises an Ethernet address of the security processor and wherein the extracting step comprises determining whether an Ethernet address from the at least one second Ethernet packet matches an Ethernet address of the security processor* (Bryers, par. 120, 193; Mercer, par. 13).

Regarding claims 13 – 15, the combination enables *wherein the retrieving step comprises retrieving the at least one security association from a data memory in a security processor and wherein the encrypting step comprises using an encryption key associated with the at least one security association and wherein the encrypting step comprises using an encryption algorithm defined by the at least one security association* (Bryers, par. 120, 121, 124).

Claims 5 – 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bryers, Hadzic and Mercer in view of Stevens, TCP/IP Illustrated.

Regarding claim 5, the combination does not appear to explicitly disclose that Ethernet packets comprise user-specific type fields. Stevens discloses that composition of packets sent via Ethernet, the composition comprising user-specific type fields (Stevens, pg. 23, fig. 2.1). It would have been obvious to one of ordinary skill in the art to recognize the teachings of Stevens within the combination of Bryers and Mercer. This would have been obvious because one of ordinary skill in the art would have been motivated to follow the established standard required to employ Ethernet.

Regarding claims 6 and 7, the combination enables *wherein a first byte of the manufacturer header is set to zero, and wherein a portion of the manufacturer header following the first byte of the manufacturer header includes the memory address* (Stevens, pg. 22, 23).

Regarding claim 9, it is rejected, at least, for the same reasons as claims 5 – 8.

(10) Response to Argument

Furthermore, Applicant's arguments filed 9/20/10 have been fully considered but they are not persuasive.

Applicant argues essentially that:

As discussed in MPEP 2173.05(e), "[t]he mere fact that a term or phrase used in the claim has no antecedent basis in the specification disclosure does not mean, necessarily that the term or phrase is indefinite. There is no requirement that the words in the claim must match those used in the specification. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision."

The recitation "user-specific type" and "user-specific Theme type" are defined with reasonable clarity and precision in Appellants' specification.

(Brief, pg. 9)

The above citations from the specification, among others, demonstrate that the specification describes the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. Accordingly, the Examiner's rejection under 35 U.S.C. § 112, first paragraph should be withdrawn.

(Brief, pg. 12)

As discussed above, the elements of claims 1-7, 9, 13-33, and 35-40 would be clear to a hypothetical person possessing the ordinary level of skill in the pertinent art.

Therefore, the Examiner's rejection under 35 U.S.C. § 112, second paragraph should be withdrawn.

(Brief, pg. 13)

Examiner respectfully responds:

Appellant essentially argues that the disclosure of the well known Ethernet Type field, provides support for the recitations of "**a user-specific type**", "**a user-specific Ethernet type**", and "**a user-specified Ethernet type**" (e.g. see Brief, pg. 8).

However, the examiner respectfully notes that the appellant's originally filed specification only discloses the well known prior art term, "Ethernet Type field" (e.g. see specification, pg. 5, line 5; pg. 12, line 12, 30, 31; pg. 29, lines 11-13).

One of ordinary skill in the art readily understands the meaning of the prior art term "Ethernet Type field". The Ethernet Type field within an Ethernet packet, also called the "Ethertype" field, is the prior art mechanism used by Ethernet systems to identify the particular protocol necessary to process an Ethernet packet. As, there can be a large number of possible processing protocols, the IEEE organization acts as the authority to manage and assign a unique two byte hexadecimal number for representing each possible protocol. Thus, protocol designers, such as standards organizations or equipment manufacturers can design processing protocols and register the protocol with the IEEE. Thereafter, the registered protocol will be assigned a unique Ethernet type value, which can be used by Ethernet systems for determining the specific protocol necessary for processing any received Ethernet packet comprising the Ethernet type

field (for evidentiary definitions, see: "Ethernet Type Codes", www.cavebear.com, pgs. 1-3; "IEEE-SA – Registration Authority Ethertype Field", standards.ieee.org, pgs.1-32; definition of "Ethertype", Newton's Telecom Dictionary, pg. 311).

The examiner respectfully disagrees with the appellant upon the basis that the terms "**a user-specific type**", "**a user-specific Ethernet type**", and "**a user-specified Ethernet type**" are notably absent within the appellant's originally filed specification and the appellant's specification fails to lead one of ordinary skill in the art to clearly and reasonably determine the scope and meaning of the claim terms "**a user-specific type**", "**a user-specific Ethernet type**", and "**a user-specified Ethernet type**".

Appellant's disclosure provides ample support for the terms "Ethernet type field" and for "manufacturer". The meanings of these terms are well understood by one of ordinary skill in the art. However, there appears to be no reasonable basis for one of ordinary skill in the art to interpret the standard Ethernet type field as any of "**a user-specific type**", "**a user-specific Ethernet type**", or "**a user-specified Ethernet type**". Furthermore, one of ordinary skill in the art does not regard a company or equipment manufacturer (e.g. "Broadcom", see also Appellant's Remarks, Brief, pg. 8), to be a "**user**". The meaning of the term "user" is well defined in the prior art and is understood by one of ordinary skill to be a person who uses the services of or interacts with a product or system (e.g. for evidentiary definition, see definition of "user", IEEE 100, The Authoritative Dictionary of IEEE Standards Terms, pg. 1241. While a company or equipment manufacturer may manufacture an individual machine component or design a particular protocol component that is found to be used within an overall computing

system, one of ordinary skill in the art does not regard the company or equipment manufacturer to be the “user” of the computing system.

Thus, the examiner disagrees with the appellant's suggestion that the prior art “Ethernet Type field” - which comprises a two byte hexadecimal value uniquely assigned by the IEEE standards authority and representing a particular processing protocol - would have been understood by one of ordinary skill in the art to be “a **user-specific type**”, “a **user-specific Ethernet type**”, or “a **user-specified Ethernet type**” simply upon the basis that the protocol identified by the Ethernet type field was designed or registered by a company or equipment manufacturer.

Applicant argues essentially that:

(i) It is irrelevant that the address of a sender may be used by the recipient to send data to the sender at some time in the future. The relevant inquiry is whether the sender transmits a first Ethernet packet comprising a second Ethernet packet pre-populated with the destination address of the originating device. Hadzic does not disclose or suggest this element.

(Brief, pg. 13, 14)

Thus, in Hadzic, the destination address of the inner packet is the address of the ultimate message recipient (and not the address of the originating device). The outer

packet of Hadzic has a source address of an edge switch associated with the sender and a destination address of an edge switch associated with the recipient.

(Brief, pg. 16)

Examiner respectfully responds:

The examiner respectfully disagrees with the appellant's assertion. Essentially, appellant argues that the examiner's application of the appellant's own teachings is irrelevant to the claimed invention. Specifically, the appellant teaches that a receiving device will identify an address of an originating device using the inner Ethernet header of a received packet, the inner Ethernet header comprising a source address of a sending device (SA) and a destination address (DA). The receiving device will then use the identified address of the originating device (i.e. SA) as a destination address for sending data back to the originating device. Thus, according to the point of view of the receiving device, the source address of the originating device (SA), is a destination address (DA) for which to send a response, just as the applicant has claimed, wherein "a destination address of the second Ethernet packet is an address of the originating device".

Thus, to an end receiving device of the encapsulated packet, the address of the originating device (i.e. inner source address, SA) is considered as "a destination address" (i.e. destination address, DA) that can be used to send a response back to the sender (i.e. *a destination address of the second Ethernet packet is an address of the*

originating device). The appellant makes this interpretation clear within the appellant's disclosure:

"A protocol also may define procedures for routing the packet over the network using those addresses. For example, the components in a data network may use the destination address to determine where to send the packet. The recipient application may use the source address to determine which application sent the packet." (Specification, pg. 2, lines 2 - 8).

"The inner Ethernet header is a header that may be used to return the packet to the original sender. Thus, the DA in the inner Ethernet header may be the address of an Ethernet controller that sent a configuration packet or data packet to the security processor. This format provides a relatively easy mechanism for supporting multiple devices with a single security processor." (Specification, pg. 13, line 31 - pg. 14, line 3)

Therefore, the examiner respectfully finds the appellant's assertion to be unpersuasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jeffery Williams/

Examiner, Art Unit 2437

Conferees:

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437

/Matthew B Smithers/
Primary Examiner, Art Unit 2437